

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESTER DEAN OXENDINE,

Defendant.

FILED

NOV 21 2016

Clerk, U.S. District Court,
District Of Montana
Missoula

CR 16-17-BU-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of conspiring to possess methamphetamine with the intent to distribute in violation of 21 U.S.C. §§ 841(a)(1) and 846 (Count I), and one count of the possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A) (Count II), all as set forth in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment.

After examining the Defendant under oath, I have made the following determinations:

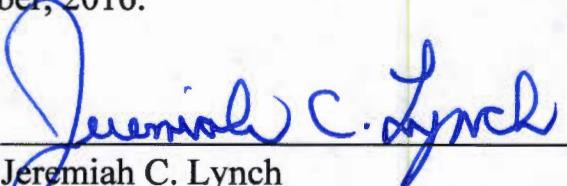
1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,

2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That his guilty pleas are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I and II of the Superseding Information, and that sentence be imposed. I further recommend that the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 21st day of November, 2016.



Jeremiah C. Lynch
United States Magistrate Judge